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PCT #3

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Srivastava *et al.*

Application No.: 10/070,875

Group Art Unit: To Be Assigned

(U.S. National Stage of PCT/US00/24711 Filed December 8, 2000)

Filed: March 11, 2002

Examiner: To Be Assigned

For: METHODS AND COMPOSITIONS FOR THE TREATMENT AND PREVENTION OF GRAFT REJECTION USING HEAT SHOCK PROTEINS

Attorney Docket No.: 8449-086-999

**ASSERTION OF SMALL ENTITY STATUS PURSUANT TO 37 C.F.R. § 1.27(c)
AND REQUEST FOR REFUND PURSUANT TO 37 C.F.R. § 1.28(a)**

Assistant Commissioner for Patents
Washington, D.C. 20231

Attention: Refund Section, Accounting Division

Sir:

The inventors of the above-identified application have an obligation to assign or have assigned their rights, title, and interest in, to, and under the above-identified application to Fordham University. Additionally, Antigenics, Inc. ("Antigenics") is an entity having certain rights in the invention. Fordham University and Antigenics qualify as Small Entities under 37 C.F.R. § 1.27(a)(3) and § 1.27(a)(2), respectively. Therefore, the above-identified application is entitled to Small Entity Status. Attorneys for Applicants respectfully request that Small Entity Status be accorded to the application.

Applicants note that a filing fee of \$3036.00 has been received by the U.S. Patent and Trademark Office in connection with the filing of the above-identified utility patent application (see attached copy of the Transmittal Letter to the United States Designated /Elected Office). Pursuant to 37 C.F.R. § 1.28(a), Applicants request a refund of one half of the filing fees that were paid, *i.e.*, \$1518.00. This request is made within three months of the payment of the filing fees.



Accordingly, please refund the excess by crediting \$1518.00 to Deposit Account No. 16-1150.

A copy of this sheet is enclosed.

Respectfully submitted,

Date: June 6, 2002

Adriane M. Antler ^{By: [Signature]} ^{40,258}
32,605

Adriane M. Antler

(Reg. No.)

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Enclosures

JUN 06 2002

8449-086-999

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)**INTERNATIONAL APPLICATION NO.
PCT/US00/24711INTERNATIONAL FILING DATE
September 8, 2000PRIORITY DATE CLAIMED
September 10, 1999

TITLE OF INVENTION

METHODS AND COMPOSITIONS FOR THE TREATMENT AND PREVENTION OF GRAFT REJECTION USING HEAT SHOCK PROTEINS

APPLICANT(S) FOR DO/EO/US

Pramod K. Srivastava and Rajiv Y. Chandawarkar

Applicant herewith submits to the United States Designated/ Elected Office (DO/EO/US) the following items under 35 U.S.C. 371:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. ☒ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☒ is transmitted herewith (required only if not transmitted by the international Bureau).
 - b. ☒ has been transmitted by the International Bureau.
 - c. ☒ is not required, as the application was filed in the United States Receiving Office (RO/US)
6. ☐ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ have been transmitted by the International Bureaus.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An **UNEXECUTED** declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11. to 16. below concern document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A **FIRST** preliminary amendment.
☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
14. ☐ A substitute specification.
15. ☐ A change of power of attorney and/or address letter.
16. ☒ Other items or information:
 - a) Copy of Notice Informing the Applicant of the Communication of the International Application to the Designated Office;
 - b) Copy of the Notice of Transmittal of the International Search Report or Declaration;
 - c) Copy of the International Search Report with a copy of the reference cited therein;
 - d) Copy of the Notice of Transmittal of the International Preliminary Examination Report;
 - e) Copy of the International Preliminary Examination Report; and
 - f) Copy of WO 01/17554 A1 (the publication of PCT/US00/24711)

17. ☒ The U.S. National Fee (35 U.S.C. 371(c)(1)) and other fees as follows:

CLAIMS				
(1)FOR	(2)NUMBER FILED	(3)NUMBER EXTRA	(4)RATE	(5)CALCULATIONS
TOTAL CLAIMS	137	117	X \$18.00	\$ 2,106.00
INDEPENDENT CLAIMS	8	5	X \$84.00	420.00
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$280.00	\$ 280.00
BASIC NATIONAL FEE (37 CFR 1.492(a)(1)-(5)): CHECK ONE BOX ONLY				
<input type="checkbox"/> International preliminary examination fee paid to USPTO (37 CFR 1.482)			\$710.00	
<input type="checkbox"/> No international preliminary examination fee paid to USPTO (37 CFR 1.482) but international search fee paid to USPTO (37 CFR 1.445(a)(2))			\$740.00	
<input type="checkbox"/> Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO			\$1,040.00	
<input checked="" type="checkbox"/> International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(2) to (4)			\$100.00	\$ 100.00
<input type="checkbox"/> Filing with EPO or JPO search report			\$890.00	
Surcharge of \$130.00 for furnishing the National fee or oath or declaration later than 30 mos. from the earliest claimed priority date (37 CFR 1.492(e)).				\$ 130.00
TOTAL OF ABOVE CALCULATIONS			=	3,036.00
Reduction by 1/2 for filing by small entity, if applicable. (37 CFR §§ 1.27, 1.28).			-	
SUBTOTAL			=	3,036.00
Processing fee of \$130.00 for furnishing the English Translation later than 20 30 mos. from the earliest claimed priority date (37 CFR 1.492(f)).			+	
TOTAL FEES ENCLOSED			\$	3,036.00

- a. ☐ A check in the amount of \$__ to cover the above fees is enclosed.
- b. ☒ Please charge Deposit Account No. 16-1150 in the amount of \$ 3,036.00 to cover the above fees. A copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 16-1150. A copy of this sheet is enclosed.

18. ☐ Other instructions
n/a19. ☒ All correspondence for this application should be mailed toPENNIE & EDMONDS LLP
1155 Avenue of Americas
New York, N.Y. 10036-271120. ☒ All telephone inquiries should be made to the undersigned at (212)-790-9090Adriane M. Antler
NAMEAdriane M. Antler
SIGNATURE

32,605

REGISTRATION NUMBER

March 11, 2002
DATE